

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB number.

322484 WEMHH/SB/21 (6/04)  
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

IPW

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/769,569
		Filing Date	January 30, 2004
		First Named Inventor	Roy Lim
		Art Unit	3732
		Examiner Name	
Total Number of Pages in This Submission		Attorney Docket Number	4002-3305/PC902.00

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Suppl. Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawings <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="text" value="43,556"/>	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <input checked="" type="checkbox"/> PTO 1449 <input checked="" type="checkbox"/> 2 foreign cited refs.
<input type="text" value="Remarks"/>		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or individual name	Douglas A. Collier Woodard, Emhardt, Moriarty, Monett & Henry LLP		
Signature			
Date	Jan. 21, 2005		

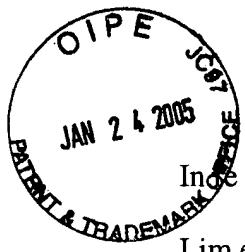
### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below

Typed or printed name	Douglas A. Collier		Date	Jan. 21, 2005
Signature				

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

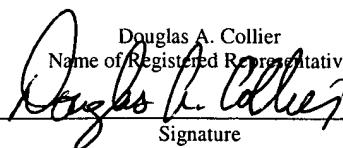
Inde patent application: )  
Lim et al. ) Before the Examiner  
)  
Serial No. 10/769,569 ) Unknown  
)  
Filed Jan. 30, 2004 )  
)  
INSTRUMENTS AND METHODS FOR )Atty Docket No. 4002-3305/PC902.00  
MINIMALLY INVASIVE SPINAL )  
STABILIZATION ) January 21, 2005

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner of Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

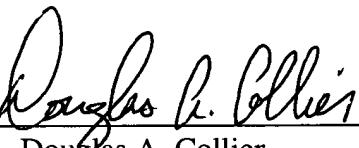
Pursuant to the duty of disclosure embodied in 37 C.F.R. §1.56 and 1.98, Applicant wishes to bring to the attention of the Examiner the items of information listed on the enclosed Information Disclosure Statement by Applicant. This information has not been previously submitted in this application, and has not been heretofore cited by the examiner. Copies of the non-U.S. Patent references are enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on <u>January 21, 2005</u> .	
Douglas A. Collier Name of Registered Representative	
 Signature	
<u>Jan. 24 2005</u> Date of Signature	

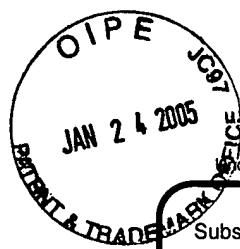
The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, prior art or material to the patentability as defined in 37 C.F.R. §1.56.

This Statement is being submitted before a First Office Action on the merits. Therefore, it is believed that no fee is required for consideration of the submitted items. Should any fee be required, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,

By:   
Douglas A. Collier  
Reg. No. 43,556  
Woodard, Emhardt, Moriarty,  
McNett & Henry, LLP  
Bank one Center/Tower  
111 Monument Circle, Suite 3700  
Indianapolis, IN 46204-5137  
(317) 634-3456

004002-003305.DAC.322445



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Approved for use through 10/31/2002. OMB 0651-0033  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Subject to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

*(use as many sheets as necessary)*

Sheet

1

af

1

*Complete if Known*

<p>Substitute for form 1449A/PTO</p> <p><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b></p> <p><i>(use as many sheets as necessary)</i></p>		<i>Complete if Known</i>	
		Application Number	10/769,569
		Filing Date	01/30/2004
		First Named Inventor	Justis et al.
		Group Art Unit	
		Examiner Name	
Sheet	1	of	1
		Attorney Docket Number	
		4002-3305/PC902.00	

## U.S. PATENT DOCUMENTS

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

**Burden Hour Statement:** This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.